

How Much Can Child Support Take From a Divorce Settlement in Texas?

You've arrived at the point in your divorce where child support is a topic of discussion. Perhaps you're wondering how much child support the court will order you or your spouse to pay. You want what's best for your children, but you also want what's fair.

So, how much can child support take from a settlement in Texas? Unfortunately, the answer isn't always simple. The court will consider many factors when making a child support determination, so a parent's child support obligations can vary greatly from case to case. However, these factors are fairly predictable, so you can get a good idea of what to expect.

Texas Child Support Formula

In Texas, the amount of child support is typically based on a percentage of the non-custodial parent's net income along with the number of children in question. The non-custodial parent is the parent who does not have primary custody of the child.

Here's a general breakdown of the child support schedule in Texas:

- 1 child - 20% of monthly net income
- 2 children - 25% of monthly net income
- 3 children - 30% of monthly net income
- 4 children - 35% of monthly net income
- 5 or more children - 40% of monthly net income

If the non-custodial parent's income is above \$7,500 a month, the court has the discretion to set the child support amount higher than what is specified in the schedule. In doing so, the judge will evaluate the income of both parents along with the needs of the child.

It's important to note that this formula is just a guideline. The court has the final say in how much child support will be ordered, and each case will be evaluated individually.

Special Considerations

The goal of child support payments is to ensure that the child has a standard of living comparable to what they would have if the parents were still together. Additionally, any child support decision the court makes must serve the child's best interests. With that in mind, the court will take special circumstances into consideration when making a child support determination.

For example, if the custodial parent is married to a high-earning spouse, the non-custodial parent's child support payments may be lower than what is specified in the schedule. This is particularly likely if the non-custodial parent is earning significantly less than the custodial parent's spouse.

Additionally, if the non-custodial parent has other children to support, the court may lower their child support payments. This is because their income is already being spread thin.

On the other hand, if the custodial parent is unmarried or earning a low income, the non-custodial parent's child support payments may be higher than what is specified in the schedule. This is to make sure that the child's needs are being met. Similarly, if the child has special needs, the court may order the non-custodial parent to pay a higher child support amount to cover expenses such as medical bills, therapy, and special education.

Child Support Collection Process in Texas

Once the court has made a child support determination, the non-custodial parent will need to make sure that the payments are made on time and in full.

In Texas, there are a few different ways that child support can be paid. The first and most common method is for the non-custodial parent to make direct payments to the custodial parent. This arrangement works well if the parents are able to communicate and work together. However, if there is an ongoing conflict between the parents, this method is likely to lead to problems.

Another option is for the non-custodial parent to make child support payments through the Texas Attorney General's Office. The non-custodial parent may set up an online account with the office and make electronic payments from their bank account or set up a bank autodraft schedule. They may also pay by mail, by cash or money order, or by using a designated payment kiosk. The Attorney General's Office will then disburse the payments to the custodial parent.

The final option is wage garnishment. When allowed under the Texas Family Code, the non-custodial parent's employer will withhold a portion of their wages and send the payment to the custodial parent. This court-ordered option is typically only used as a last resort when the non-custodial parent owes child support, as it can be disruptive to their financial independence and employment.

Advocating for a Fair Child Support Arrangement

For the court to deviate from the child support guidelines, there must be a compelling reason with adequate evidence to back it up. An experienced attorney can help you prove to the court that there are special circumstances in your case that warrant a deviation from the child support

guidelines. And if you or your spouse is already paying child support but you believe the amount is unfair, an attorney can also help you petition the court to modify the child support order.

Whether you're the custodial or non-custodial parent in a messy child support situation, it's crucial to have an experienced family law attorney on your side. When you turn to my law firm, I will work diligently to ensure that you reach a fair child support agreement that meets the unique needs of your family. If you are having trouble getting the child support you need, or if you want to avoid paying too much, contact my office to schedule a consultation today.